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9 Attorneys for Defendant PENNSYLVANIA HIGHER
10 EDUCATION ASSISTANCE AGENCY dba AES
11 (erroneously sued as “AES/Suntrust Bank”)

12 **UNITED STATES DISTRICT COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

14 Jesus Cerda,

15 Plaintiff,

16 vs.

17 ALLY FINANCIAL; CAPITAL ONE
18 BANK USA NA; COMENITY BANK
19 EXPRESS; CREDIT ONE BANK NA;
20 DISCOVER BIN SVCS LLC; ISAC;
21 MACYS/DSNB; SYNBC/CARE
22 CREDIT; ABILITY RECOVERY
23 SERVICES; CONVERGENT
24 OUTSOURCING; COMCAST;
25 JEFFERSON CAPITAL SYST;
26 AES/SUNTRUST BANK; ILL
27 STUDENT ASST. CO; EXPERIAN;
28 TRANS UNION LLC; EQUIFAX;
DOES 1-10,

Defendants.

Case No. 3:22-cv-05188-TLT

Hon. Trina L. Thompson, Courtroom 9

**DEFENDANT PENNSYLVANIA
HIGHER EDUCATION
ASSISTANCE AGENCY’S REPLY
RE NON-OPPOSITION IN
SUPPORT OF MOTION TO
DISMISS**

Date: April 18, 2023

Time: 2:00 p.m.

Crtrm.: 9

1 Defendant Pennsylvania Higher Education Assistance Agency (“PHEAA”)
2 filed its Motion to Dismiss on January 17, 2023. Plaintiff’s opposition was due on
3 January 31, 2023. To date, PHEAA has received no opposition to its Motion nor
4 any notice from the Court that an opposition was filed.

5 PHEAA therefore requests that the Court grant its Motion to Dismiss with
6 prejudice.

7
8 DATED: February 3, 2023

MUSICK, PEELER & GARRETT LLP

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11 By: 

12 Donald E. Bradley
13 Attorneys for Defendant
14 PENNSYLVANIA HIGHER
15 EDUCATION ASSISTANCE AGENCY
16 dba AES (erroneously sued as “AES/
17 Suntrust Bank”)
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1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF ORANGE**

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4 At the time of service, I was over 18 years of age and not a party to this action. I
5 am employed in the County of Orange, State of California. My business address is 650
6 Town Center Drive, Suite 1200, Costa Mesa, CA 92626-1925.

7 On February 3, 2023, I served true copies of the following document(s) described
8 as **DEFENDANT PENNSYLVANIA HIGHER EDUCATION ASSISTANCE**
9 **AGENCY'S REPLY RE NON-OPPOSITION IN SUPPORT OF MOTION TO**
10 **DISMISS** on the interested parties in this action as follows:

11 **SEE ATTACHED SERVICE LIST**

12 ☒ **BY MAIL:** I enclosed the document(s) in a sealed envelope or package
13 addressed to the persons at the addresses listed in the Service List and placed the
14 envelope for collection and mailing, following our ordinary business practices. I
15 am readily familiar with the practice of Musick, Peeler & Garrett LLP for
16 collecting and processing correspondence for mailing. On the same day that
17 correspondence is placed for collection and mailing, it is deposited in the
18 ordinary course of business with the United States Postal Service, in a sealed
19 envelope with postage fully prepaid. I am a resident or employed in the county
20 where the mailing occurred. The envelope was placed in the mail at Costa Mesa,
21 California.

22 ☒ **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed
23 the document(s) with the Clerk of the Court by using the CM/ECF system.
24 Participants in the case who are registered CM/ECF users will be served by the
25 CM/ECF system. Participants in the case who are not registered CM/ECF users
26 will be served by mail or by other means permitted by the court rules.

27 I declare under penalty of perjury under the laws of the United States of America
28 that the foregoing is true and correct and that I am employed in the office of a member
of the bar of this Court at whose direction the service was made.

Executed on February 3, 2023, at Costa Mesa, California.



April Yusay

SERVICE LIST

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